



EXPRESS MAIL NO. Em 335225991

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nusser, Dennis W.
Serial No: 08/612,969
Filed: March 5, 1996
For: *INPUT APPARATUS FOR PEOPLE WITH SMALL HANDS*
Art Unit: 3307
Examiner: Nguyen, A.

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

JAN 29 1998
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

Sir:

The above-identified application became abandoned on November 2, 1997, for failure to file a response to the Final Office Action mailed May 2, 1997. A 37 CFR 1.116 Amendment and Response to Office Action, a Terminal Disclaimer and a Request for Extension of Time Pursuant to 37 CFR 1.136a were filed on October 2, 1997. An Advisory Action was mailed on December 16, 1997 indicating that the 37 CFR 1.116 response did not place the application in condition for allowance, and that the response period had been extended to expire on October 2, 1997.

A proposed response has been filed simultaneously with this Petition. The proposed response is a Notice of Appeal.

This petition is being filed within the statutory time limit of one year from the date of abandonment.

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The entire delay in filing the proposed reply (Notice of Appeal), from November 2, 1997 until the filing of this petition was unintentional. Applicant believed that the 37 CFR 1.116 Amendment and Response had placed the application in condition for allowance. Applicant is

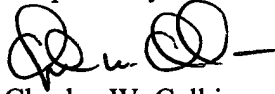
promptly filing this petition in response to the Advisory Action mailed December 16, 1997. Further, the issuance of the Advisory Action was delayed due to circumstances beyond the Applicant's control.

A Terminal Disclaimer, disclaiming the portion of the term of any patent issuing from the present application which extends past the expiration of US Patent No. 5,531,529 has already been filed in the application. Therefore, it is respectfully submitted that an additional Terminal Disclaimer is not required.

A check in the amount of \$660.00 to cover the filing fee for this Petition is attached. The A Verified Statement of Small Entity Status was submitted on March 5, 1996. Applicant has already paid a two-month extension fee (\$200.00) since the issuance of the Final Office Action. In view of the enclosed Petition fee, a refund of the extension fee is respectfully requested. The refund, if appropriate, may be credited to Deposit Account No. 16-1435.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 16-1435. A duplicate copy of this request is enclosed.

Respectfully submitted,



Charles W. Calkins
Reg. No. 31,814

Date: 1/7/98

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